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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/609,285

Applicant(s)

ASMUSSEN, MICHAEL L.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,27-49,55-77,83 and 84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21,27-49,55-77,83 and 84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/23/04 have been fully considered but they are not persuasive.

Applicant argues that Abecassis and Herz do not teach automatically pausing the video program in response to the detection of the occurrence of the audio communications event or in response to a trigger related to the occurrence of the audio communications event (response pages 16-17).

Regarding applicants argument, the independent claims merely require that the video program be paused in response to detection of an interactive services event.

<http://dictionary.reference.com/search?q=event> defines an event as

“(n.) An action or occurrence detected by a program. Events can be user actions, such as clicking a mouse button or pressing a key, or system occurrences, such as running out of memory.” (Emphasis placed by the examiner.)

The claim is silent to whether or not the audio communications event is instantiated by the user, or by the system, or by a third party. Therefore, the broadest possible interpretation of an interactive services event would include a user-initiated event, as the independent claims are silent regarding a user initiated event and are instead merely drawn to the occurrence of an event.

The interactive services event in Abecassis begins when a user accepts a request to begin an incoming phone call, or videoconference (Figure 13, step 1311). The software of Abecassis then automatically pauses the program upon detection of a user picking up a receiver, or pressing a button thus beginning the interactive services event (column 53, lines 18-26), an indication of the communications event is then displayed onscreen whether it is caller ID and caller information, paging information or video information (column 52, lines 43-65).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore Abecassis in combination with Herz would result in a system in which a video data is paused and audio data is converted to text for display as required by the independent claims.

Applicant argues that the user affirmatively deciding to pause the video stream is not the same as pausing the video program in response to the detection of the occurrence of the interactive services event (page 17).

Regarding applicant's argument, Claim 1 merely requires that the video program be paused in response to the detection of the occurrence of the audio communications event during a video program presentation. As the interactive services event in Abecassis is the acceptance to begin the audio communications (figure 13, step 1311) and not the incoming audio communications itself, Abecassis does teach pausing a

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program in response to an audio communications event, as the software in Abecassis detects the beginning of the audio communications event. Abecassis works in a similar fashion, in that the interactive service event is not the incoming communications, but the user acceptance of the incoming communications

Applicant argues that Abecassis does not inherently detect an off hook condition, in particular, the signal that the system detects may be any of a number of types of signals capable of notifying the user of an incoming information (response pages 18-19)

Regarding applicants argument, <http://glossary.its.bldrdoc.gov/fs-1037/dir-025/3640.htm> defines off hook as:

off-hook: 1. In telephony, the condition that exists when an operational telephone instrument or other user instrument is in use, i.e., during dialing or communicating. (188) Note: Off-hook originally referred to the condition that prevailed when the separate earpiece, i.e., receiver, was removed from its switchhook, which extended from a vertical post that also supported the microphone, and which connected the instrument to the line when not depressed by the weight of the receiver. 2. One of two possible signaling states, such as tone or no tone and ground connection versus battery connection. (188) Note: If off-hook pertains to one state, on-hook pertains to the other. 3. The active state, i.e., closed loop, of a subscriber or PBX user loop. (188) 4. An operating state of a communications link in which data transmission is enabled either for (a) voice or data communications or (b) network signaling.

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Abecassis discloses that the software automatically pauses the program upon detection of a user picking up a receiver (acceptance of communications, figure 13, step 1311), or pressing a button thus beginning the interactive services event (column 53, lines 18-26). Abecassis also discloses that when an audio message is received, the RAViT may hang up on the communication at the end of a message (column 52, lines 27-34). As an off hook condition occurs when an operational telephone instrument or other user instrument is in use, i.e., during dialing or communicating, and Abecassis automatically pauses the program when a user picks up a receiver, Abecassis must detect an off hook condition indicating answering of the telephone call as required in claim 27, as the user in Abecassis picks up the phone to communicate with caller.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21,27-49,55-77,83 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz.

Regarding claim 1, Abecassis discloses a method for automatically pausing a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301)

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and outputs it to a display device, (figure 5, column 18, lines 33-51),
a user may receive an incoming call or page, which is detected during the video transmission (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video to display the content (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24) .

Abecassis fails to disclose converting an audio portion of the communications event to text for display, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alert method of Abecassis to include the voice to text conversion and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

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Regarding claims 2, 30, and 58, Herz discloses that the detection of incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (step 1322, column 51, lines 21-24) .

Regarding claims 3, 31 and 59, Abecassis discloses the use of displayed caller id information (step 1310, column 52, lines 13-17).

Regarding claims 4, 5, 32, 33, 60, and 61, Abecassis discloses the use of displayed caller id information (step 1310, column 52, lines 13-17), and discloses in figures 14 A/B the display of a name 1410 and or photo 1451 for an incoming videophone communication, the incoming communication may be a paging message (column 51, lines 22-24).

Abecassis and Herz do not disclose outputting a text message or photo associated with a telephone number, but instead Herz displays text messages and graphics for a videophone communication.

The examiner takes official notice that associating text and graphics with a telephone number is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to display a graphic or text related to a phone number, thus making it easy for a user to recognize a caller, rather than remembering a long phone number.

Regarding claims 6, 8, 34, 62, and 64, Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Regarding claims 7, 35, and 63, Abecassis discloses that if a user does not accept an incoming call, the call is recorded (column 52, lines 27-30).

Abecassis and Herz do not disclose receiving the voice-mail message and storing in audio form.

The examiner takes official notice that retrieving voice mail messages and storing them in audio form, is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to allow a user to retrieve a voice mail in audio form, thus allowing a user to perform other tasks at the same time while listening to a message.

Regarding claims 9, 36, 37, and 65, Abecassis discloses that if a user does not accept an incoming call, the call is recorded (column 52, lines 27-30).

Herz discloses messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Abecassis and Herz do not disclose presenting the text and audio form of the message to a user.

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The examiner takes official notice that retrieving voice mail messages in audio form or text, is well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to present both the text and audio forms of a message , thus enabling a user to choose which form they would prefer to view a message.

Regarding claims 10, 38, and 66, Abecassis discloses that a display window may be placed over the paused video (column 52, lines 46-50).

Regarding claims 11, 39, and 67, Abecassis discloses that a voicemail may be recorded or the communications may be logged (column 52, lines 57-65).

Abecassis and Herz do not disclose initiating a call back of the telephone call.

The examiner takes official notice that calling back a previous caller is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to allow a user to call back a previous caller, thus enabling a user to answer voice mail or find out the reasons for a caller's call.

Regarding claims 12, 40, and 68, Abecassis discloses that a user may issue a play command and the video resumes from the same point (column 53, lines 12-49).

Regarding claims 13, 14, 16, 41, 42, 44, 69, 70, and 72, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31)

Regarding claims 15, 17, 43, 45, 71 and 73, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31).

Abecassis and Herz do not disclose the use of a slow motion or frame back signal.

The examiner takes official notice that transmitting a slow motion or previous frame signal and then playing slow motion video or the previously displayed frame is well known in the art.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Abecassis and Herz to utilize a slow motion or previous frame signal to enable a user to watch a video and see much more detail.

Regarding claims 18, 46, and 74, Abecassis discloses the use of a skip function (column 39, lines 53-58).

Abecassis and Herz do not disclose utilizing a jump signal to display a program from the current point of transmission.

The examiner takes official notice that the use of a resume to live function is well known in the art (for example Tivo and ReplayTV's live button <http://egotron.com/ptv/ptvlive.htm>).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Abecassis and Herz to utilize a jump signal to return to live display, so that a user could rapidly skip unwanted portions of the video without having to watch it via a fast forward or segment jump command.

Regarding claims 19-21, 47-49, and 75-77, Abecassis discloses that a communications from a caller may include a transmitted graphic, or may utilize a locally stored graphic, which is then displayed on the user's display upon a call (column 53-line 57-column 54, line 3).

Regarding claims 27 and 55, Abecassis discloses a method for automatically pausing a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301)

and outputs it to a display device, (figure 5, column 18, lines 33-51),

a user may receive an incoming call or page, which is detected during the video transmission (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video to display the content (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24), the video program and message may be displayed simultaneously (figure 14b) .

Abecassis inherently detects an off hook condition as Abecassis discloses that phone calls may be incoming communications ((column 51, lines 21-24), and that if communications are accepted (step 1311), the video is paused (1323), thus Abecassis must be able to detect when a call is retrieved, and when a call has not been retrieved, otherwise, the device would not know whether or not to pause the video.

Abecassis fails to disclose converting an audio portion of the communications event to text for display with the video program, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alert method of Abecassis to include the voice to text conversion and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

Regarding claims 28, 56, and 84, Abecassis shows in Figure 14a, a menu, which indicates a communications event.

Abecassis and Herz do not disclose whether the menus are overlaid over the image.

The examiner takes official notice that overlaying menus over displayed video is well known in the art.

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Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to overlay a menu over the displayed video to direct a user's attention to the incoming message.

Regarding claim 29, Abecassis discloses a the use of an apparatus (figure 5, RAViT 500) for automatically pausing a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301) via communications module 502 (column 18, lines 60-68)

and outputs it to a display device via I/O module 506, (figure 5, column 18, lines 33-51, column 20, lines 8-13),

a user may receive an incoming call or page, which is detected during the video transmission via communications module 502 (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video to display the content via module 506 (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24) .

Abecassis fails to disclose converting an audio portion of the communications event to text for display via a conversion module, but does disclose recording an audio message (column 52, lines 18-34).

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Herz discloses notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alerts of Abecassis to include the voice to text conversion module and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

Regarding claim 57, Abecassis discloses a RAViT device 500 which utilizes computer readable instructions which automatically pause a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301)

and outputs it to a display device, (figure 5, column 18, lines 33-51),

a user may receive an incoming call or page, which is detected during the video transmission (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video to display the content (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may

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include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24) .

Abecassis fails to disclose converting an audio portion of the communications event to text for display, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alert method of Abecassis to include the voice to text conversion and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

Regarding claim 83, Abecassis discloses a RAViT device 500 which utilizes computer readable instructions which automatically pause a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301)

and outputs it to a display device, (figure 5, column 18, lines 33-51),

a user may receive an incoming call or page, which is detected during the video transmission (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming

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message the set top box transmits a signal to the video server and pauses the video to display the content (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24), the video program and message may be displayed simultaneously (figure 14b) .

Abecassis inherently detects an off hook condition as Abecassis discloses that phone calls may be incoming communications ((column 51, lines 21-24), and that if communications are accepted (step 1311), the video is paused (1323), thus Abecassis must be able to detect when a call is retrieved, and when a call has not been retrieved, otherwise, the device would not know whether or not to pause the video.

Abecassis fails to disclose converting an audio portion of the communications event to text for display with the video program, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alert method of Abecassis to include the voice to text conversion and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL


CHRIS GRANT
PRIMARY EXAMINER